

THE BECKER-TILTON TRIAL.

THREE WITNESSES FOR THE DEFENSE CALLED.

EDWARD J. O'VINGTON TESTIFIED TO IMPORTANT DECLARATIONS BY THE PLAINTIFF—MR. TILTON TELLS THE WITNESS THAT HIS WIFE WOULD SAY ANYTHING FOR HER HUSBAND—EVENTS BEFORE AND AFTER MRS. TILTON WAS EXAMINED BY THE INVESTIGATING COMMITTEE—MR. FULLERTON CONFUTES THE WITNESS—HOW MRS. TILTON HAS SPENT HER TIME SINCE SHE LEFT HER HUSBAND—\$875 RECEIVED FROM MR. TILTON FOR THE SUPPORT OF MRS. TILTON AND HER CHILDREN—A WITNESS TESTIMONY TO THE CIRCUMSTANCES OF THE WITNESS—MRS. O'VINGTON IN THE WITNESS CHAIR.

The defense in the case of Mr. Tilton against Mr. Beecher began the calling of their witnesses yesterday. Edward J. O'Vington, with whom Mrs. Tilton has lived since she left her husband, was the first witness, and his testimony was in regard to certain interviews held with Mr. Tilton respecting the Bacon letter and concerning Mrs. Tilton's life in Mr. O'Vington's house. Rufus E. Holmes of Winsted, Conn., gave testimony in respect to the circumstances of the visit of Mr. Tilton to Winsted which caused scandalous talk. Mrs. O'Vington was also a witness, but the Court adjourned before anything of interest was developed. Her examination will be continued to-day. Mr. John L. Hill is conducting it.

TESTIMONY OF THE OPENING WITNESSES FOR THE DEFENSE.

The proceedings yesterday were ushered in with a fever of expectancy on the part of the spectators, but this gradually subsided as the day passed. The interest was revived about three-quarters of an hour before the closing by the testimony of a witness to the conduct of Mr. Tilton at Winsted, Conn., some years ago. The court in the morning waited several moments for Mr. Evans, who finally arrived, and Mr. Shearman announced that necessity would oblige the defense to produce their witnesses a little out of order. The name of Edward J. O'Vington was then called, and that gentleman arose from a seat beside his wife and Mrs. Shearman, and took the witness chair. He is a tall, erect, well-knit man with a very light sandy beard and hair, and is apparently cheerful and retiring in disposition. His direct examination ran smoothly. Mr. John L. Hill, who, since last Summer, has done considerable under-surface work for the defense, conducted the questioning. The testimony was chiefly in regard to events which followed the publication of the Bacon letter. Mr. O'Vington testified that Mr. Tilton boasted that he (Mr. Tilton) could make his wife tell what he pleased, and that if she saw him commit the Nathan murder she would swear that he did not do it. By bringing out evidence of Mr. Tilton's great influence over his wife, it is intended to prove that by his aid he procured her confessions regarding the case. Mr. O'Vington said positively that Mr. Tracy only saw Mrs. Tilton about two minutes before she appeared before the Plymouth Investigating Committee.

The cross-examination by Mr. Fullerton was most remarkable, and showed how completely a witness may be confused and embarrassed in the hands of a skillful lawyer. Not that Mr. Fullerton was harsh or severe, for he was just the opposite—smooth and polite—but he so touched the story of the witness that the latter lost his self-possession, and belied his testimony with mistakes and contradictions. The cross-examination disclosed that Mr. O'Vington had received \$875 from Augustus Storm, which had been expended to fit out Mrs. Tilton's children for school, and for the support of Mrs. Tilton. Mr. Tilton has paid the school bills of the children at Washington, Conn. It was also brought out that Mrs. Tilton was visiting in Fairfield, Conn. Mr. O'Vington is going to Europe on Saturday. Mrs. Tilton will remain with his family in Brooklyn.

Another witness who is going away was called yesterday out of the regular order—Rufus E. Holmes of Winsted, Conn. When Mr. Tilton lectured in that town he was the Vice-President of the Young Men's Christian Association there. He thought that the lady who was with Mr. Tilton at that time was 25 or 28 years of age; and he testified that he went to Mr. Tilton's room in the hotel at Winsted, and knocked twice. As he was going away a lady opened the door, and Mr. Tilton's voice from within asked Mr. Holmes to wait, and they would go out together. Mr. Holmes declared that Mr. Tilton was on the bed with only pantaloons, shirt, and stockings on. The lady's hair and dress were disheveled. Mr. Fullerton, in cross-questioning the witness, brought out that Mr. Holmes went to Mr. Tilton's room by appointment, that no effort was made to conceal anything after the door was opened, and that Mr. Holmes afterward introduced the plaintiff to his wife, sisters, and others.

That the juryman are alert was made evident by the question of Mr. Carpenter, the foreman, who, before the witness stepped down, asked him if there was a fire in the room where Mr. Tilton and the lady were found. This was put in view of the plaintiff's statement that there was no fire in his own room, and that he therefore went to the lady's room, where there was one. Mr. Holmes corroborated Mr. Tilton's statement in regard to the presence of a fire in the room where Mr. Tilton was found by the witness.

Mrs. Maria N. O'Vington, wife of Edward J. O'Vington, was placed in the witness chair about 15 minutes before the closing. The lady is an invalid, and she testified that until yesterday she has not been out of the house since last October. Little progress was made in her examination before the hour of adjournment arrived, and nothing of importance was developed. Mr. Hill is conducting Mrs. O'Vington's examination.

HIGHTENED INTEREST IN THE TRIAL.

The court-room assumed a familiar appearance yesterday. During the delivery of Mr. Tracy's address many well-known faces were absent, the juryman became drowsy, the audience was thinner, and there was a lack of the interest which arises from the production and examination of witnesses. Yesterday the counsel for both sides were early in their places. Mr. Fullerton and Mr. Morris looking fresher for their vacation; Mr. Pryor, with a silk handkerchief about his neck, not yet recovered from his attack of diphtheria; and Mr. Beach pale and evidently suffering from a severe cold. Mr. Beecher and his wife occupied the chairs customarily used by them, and Mrs. Fiekl, Mrs. Shearman, Mrs. O'Vington, and Mrs. Tilton sat near them. Mrs. Tilton was not present. She is still at the bedside of her sick child Ralph, who is recovering.

Mr. Tilton sat behind his counsel all day, and varied his usual inactivity by writing suggestions upon slips of paper and passing them to Mr. Fullerton to aid him in his cross-examination. Mr. Moulton entered the court-room alone before the hour of opening, and sat behind Mr. Pryor. It was expected by him that Mr. Beecher would take the witness chair, and as soon as Mr. O'Vington was called Mr. Moulton left his seat and the court-room. He came back, however, and took a chair in the audience, where he remained all day, except during recess. While Mr. Moulton was still among the lawyers, he bowed to Judge Nelson, who acknowledged the salute. Mr. Moulton also shook hands with Mr. Beecher. During the recess, Mr. Beecher and Mr. Beach accidentally met, and with great cordiality exchanged greetings, and some expressions which they used seemed to amuse themselves as well as those by whom they were surrounded.

During a part of the day Judge Learned of the Supreme Court of this State, and Henry Varley, the English Evangelist, occupied seats beside Judge Nelson.

oral short, sharp passages between the lawyers, which relieved the general dullness of the testimony. When 4 o'clock arrived, the Judge, whose sympathy was probably touched by the appearance of the invalid lady in the witness chair, very determinedly directed the examining lawyer to finish the examination, so that the lady would not have to come again. The counsel protested that he could not finish, but Judge Nelson, aroused, ordered him to proceed, and it was not until Mrs. O'Vington said that she did not object to coming again that he relented, and made the laughing comment that the majority was against him.

THE PROCEEDINGS—VERBATIM.

TESTIMONY OF MR. EDWARD J. O'VINGTON.

The Court opened as usual at eleven o'clock, and the jurors being promptly in attendance, Judge Nelson requested the counsel for the defendant to proceed.

Mr. Shearman—The first witness will be called a little out of order, if your Honor please.

Edward J. O'Vington was then called on behalf of the defendant, sworn and examined by Mr. John L. Hill.

Q. Mr. O'Vington, are you acquainted with the parties to this action? A. I am.

Q. How long have you known them? A. Mr. Beecher about twenty-five years.

Q. And Mr. Tilton? A. Twelve years.

Q. Have you been a neighbor of Mr. Tilton's? A. Yes, Sir.

Q. When were you living near him, and please state where his residence was, in relation to yours? A. His residence was the block above mine.

Q. What was your number? A. 125.

Q. Livingston-st.? A. Livingston-st., or 90 at that time—the old number.

Q. And his? A. His is now 174; I don't remember the old number.

Q. But it was within a block, you say? A. Within a block, yes, Sir.

Q. Please state how intimate your acquaintance was with Mr. and Mrs. Tilton? A. Well, we were on calling acquaintance.

Q. Frequent, or otherwise? A. Well, rather frequent for a time; for the most part rather infrequent.

Q. Any special friendship between Mrs. Tilton and Mrs. O'Vington? A. Yes, Sir.

Q. How long had that continued, and when did it begin? A. Well, we began in the year 1865, I think, and continued from that time.

Q. Continued from that time? Are you certain of dates, Sir? A. '65 or '78, I think it was.

MR. TILTON INDIFFERENT ABOUT HIS WIFE'S HEALTH.

Q. I will call your attention to the publication of the Bacon letter in June last; do you recollect having an interview with Mr. Tilton soon after the publication of that letter? A. Yes, Sir.

Q. When, with reference to its publication? A. Three or four days after.

Q. Well, where? A. At his house; I called upon him.

Q. Please state the circumstances and what was said between you—the circumstances of the call? A. I called at his invitation; he mentioned to my wife that he would like to see me, and I called upon him.

Q. Well, go on and state what occurred? A. I told him that I was sorry to find him in this trouble; I told him it was a very serious matter to bring this charge against Mr. Beecher; it would be a very great injury to the cause of religion. Mr. Tilton said that it was not his own bringing, that if Mr. Beecher would do his duty and do justice to him he was willing to do no more, to stop just there.

Q. Well, what else was said? A. Then I had considerable to say about his wife's appearance; remarked that she was looking in very bad condition of health, and he answered: "Oh, I think she is looking about as usual;" some indifferent remark, I don't remember what.

Q. Well, what was his manner upon that occasion? A. Well, he was very hard on Mr. Beecher, said that he was not going to be called a liar and a knave while Mr. Beecher knew that he was the malicious man.

Q. Yes, did he make any statement of what he proposed to do; if so, state it? A. Well, he said it was now his time for action, and he proposed to fight it out from that moment; various expressions of that kind.

Q. Of what kind? A. Figures of battle-axes and swords, and the sword was—he would not sheath his sword until Mr. Beecher was down, &c.

Q. Now, would you like to state the day of the week when this occurred, if you can? A. It must have been Tuesday; it was Tuesday.

Q. On a Tuesday? A. Yes, Sir.

Q. Had you seen him before that after the Bacon letter was published? A. Yes; I saw him a few moments on the previous Sunday.

Q. Yes; at his house or where? A. At his house or in front of his house; I called at his house in a carriage, driving out, and he came out and spoke to me a few words.

Q. Now, that was the very latter part of June or the early part of July; when did you next see him to have an interview with him? A. Mr. Fullerton—He has not stated that I think.

Mr. Hill—What?

Mr. Fullerton—He has not stated, I think, that it was in the latter part of June.

Mr. Hill—He said it was two or three days after the publication of the Bacon letter.

Mr. Fullerton—Well, let it stand at that.

MR. TILTON PRAISES HIS WIFE'S APPEARANCE BEFORE THE COMMITTEE.

Mr. Hill—When did you next see him, Mr. O'Vington?

Mr. Hill—The next interview was at my house, I think.

Q. Can you recollect the time? A. It was about a week after that; I don't recall the day.

Q. Can you recall the day of the week? A. Friday, I think.

Q. What is it? A. Friday, it appears to me, but I cannot recall the day.

Q. Now, that was a Friday, but you cannot recall the day, where was this conversation which you now refer to held? A. In my house, or on the piazza of the house.

Q. Who was present at it? A. My wife, and Mr. Tilton and myself.

Q. Please begin now and give the conversation which there occurred between yourself and your wife and Mr. Tilton, as nearly as you can? A. Well, Mr. Tilton opened the conversation, saying: "Elizabeth made a fine impression before the committee; Elizabeth is a trump, isn't she?" But he was all fiction. I could come before the Committee and wave all that; speak of Mr. Beecher and Elizabeth; but she only done what any true wife would do. My wife remarked that she didn't look and talk as though she was telling an untruth, and she didn't believe that she did. Mr. Tilton replied: "Oh, Libbie will tell any number of lies for me." Then my wife said something about Mrs. Tilton's appearance, that she was looking in a very bad condition of health, and remarked that she looked dead struck. Mr. Tilton said: "Oh, not as bad as that." My wife then said that she was pleased to get a very pleasant letter from Mrs. Tilton the day previous, I think it was, and contrasted it with a letter that she had previously received, when she said that a letter that was opposite in character, a distressful letter.

Q. Yes; well, what then occurred? A. And Mr. Tilton

Q. Speak a little louder? A. Mr. Tilton was inquisitive to know the contents of the letter. Mrs. O'Vington—

Q. You say he was inquisitive—did he ask? A. Well, he said: "How is that? Elizabeth had been writing you?" My wife said, "Yes." "And what did she say?" My wife told him.

Q. Well, what did your wife say? Can you recall? A. Of the letter?

Q. Yes. A. Well, she repeated the letter in substance.

Q. Did she have the letter present? A. No, Sir, but I had heard it read and she repeated it.

Q. Repeated the contents? A. The contents of the letter, yes, Sir.

Q. To Mr. Tilton? A. To Mr. Tilton.

Q. Of which letter—the first one, or the second one? A. Well, both.

Q. Both of them? A. Yes, Sir; verbally.

Q. Now, can you recall what was said—in stating the contents of that letter, I mean? A. Oh! I could not recall; no, Sir.

Q. Can you give the substance of it? A. Well, no, except the first was a sad letter and the second a cheerful one. I could not give the substance of it.

Q. That your memory; can you state the contents of the communications if you were to look at the letters, Mr. O'Vington? A. Yes, Sir.

Q. Mr. Fullerton—Rather, can you state what was said on that occasion in respect to the contents?

Mr. Hill—He has asked him; he says he cannot state.

Judge Nelson—Well, that is still the question.

Mr. Hill—Certainly.

Mr. Fullerton—No; the question now is whether he could state the contents if he saw them.

Judge Nelson—Of course he could read the letters. [Papers handed to witness.] See if those papers refresh your recollection so that you can repeat what was said on that occasion.

Mr. Hill—Now, Sir, you can give what your wife said to Mr. Tilton in giving the contents of the first letter.

Mr. Beach—[To the witness.] Please close the letter.

The Witness—Which is the first letter—this?

Mr. Fullerton—Well, that is what you are to find out.

Mr. Hill—Well, you can look, Mr. O'Vington, if you can recall—

Mr. Beach—It is the sad letter.

The Witness—[Looking at the letter.] Yes; that is about what was said.

Q. Well, go on and state what was said.

Mr. Beach—Wait a moment, I may be that that is stricken out.

Judge Nelson—Yes, that is stricken out. Mr. O'Vington, after having examined those papers, close them, and then the question is whether you can recollect and state the substance of what was stated to Mr. Tilton at that time in respect to the letters.

Mr. Beach—I submit that the rule is, if your Honor please, that after refreshing his recollection by the memorandum the witness must be able to state from his recollection, independently of the memorandum, what the conversation was.

Mr. Hill—Well, I desire simply to obtain the state of this recollection with reference to that subject.

Judge Nelson—No, Sir.

Mr. Hill—If he can state the contents of the letter without the letter, I suppose that it is proper that he should do it. If he cannot, I suppose that he may refer to the letter, or that the letter and the statement may go in together, if he cannot recollect the contents.

Mr. Beach—Well, we dispute that proposition.

Judge Nelson—There is no occasion, gentlemen, for any argument about it.

Mr. Morris—And how long is the witness to have to commit it to memory?

Mr. Nelson—The simple direction to this witness is this, to examine those papers and see if they refresh his recollection; then to close the letters, and then state from his recollection as thus refreshed, so far as he can, what was said to Mr. Tilton on that occasion as to the contents of the letters.

The Witness—Well, I cannot commit these to memory, your Honor, and then repeat them.

Q. Well, give the substance of what your wife said now, in giving the contents of the first letter?

Mr. Beach—I submit that the witness cannot testify with his eyes resting upon the table.

Judge Nelson—No; my suggestion was that he could examine the paper.

Mr. Hill—Mr. O'Vington, his Honor has just suggested that you close the letter.

Judge Nelson—After having examined it.

Mr. Hill—After having examined it a sufficient time to refresh your recollection. Now, if you can state the contents of the first letter.

Mr. Fullerton—I object to that.

Judge Nelson—That is not it at all.

Mr. Hill—Or state what your wife said in regard to the contents of the letter.

Judge Nelson—Yes; that is better. A. I cannot recollect it.

Q. You cannot recollect it? A. No, Sir.

Mr. Hill—Then I offer the letter, together with his statement, in evidence.

Mr. Beach—[To the witness.] Oh! please don't be reading those letters.

Judge Nelson—I do not see, at present, how the letter can be received.

Mr. Hill—Very well, I will ask one other question, then. Mr. O'Vington, did your wife state to Mr. Tilton the contents of this letter?

Mr. Fullerton—I object to that, Sir. In the first place, it is leading; and, in the second place, he doesn't know whether she did or not.

Judge Nelson—He cannot recollect what was said about the contents of the letter, and therefore he cannot answer the question.

Mr. Hill—I am asking him, with the letter before him, if his wife stated the contents of this letter to Mr. Tilton?

The Witness—She did.

Judge Nelson—You can ask him what his wife said.

Mr. Hill—Well, Sir, what did she say in regard to the contents of this letter. Did she say anything, and if so, what?

A. She repeated the contents of them; I had just heard them read, and I knew that what she was saying was the contents of them.

Q. You cannot recollect what she then said? A. What she then said, I cannot recollect.

Mr. Beach—I object to the answer, and move to strike it out.

Mr. Hill—I submit that it is proper.

Judge Nelson—The statement that she had read them and that here members the contents is stricken out; I suppose it was not called for by your question.

Mr. Hill—I don't understand what your Honor strikes out.

Judge Nelson—The statement that he had heard the letters read, and that his wife on that occasion repeated them correctly, is stricken out, because it was not called for by your question.

Mr. Hill—Well, Sir, I asked if the witness stated the contents of these letters to Mr. Tilton.

Mr. Beach—That was objected to and ruled out. Then you asked the witness what his wife did state, and he made this irrelevant and improper answer.

Mr. Hill—I understand your Honor's ruling to be the striking out of that part of the answer which he made as not responsive to my question. I now put a question to which it shall be responsive.

Judge Nelson—What is your question?

Mr. Hill—Now, I ask if his wife did state the contents of this letter to Mr. Tilton?

Mr. Beach—That is objected to.

Judge Nelson—That involves a comparison between what he heard before and what was stated then. Your inquiry should be, what was stated then.

Mr. Hill—Well, Sir, I desire to prove by the witness that she stated the contents of the letter. He says that he cannot recollect what the contents were now, even after looking at the letter.

Judge Nelson—He cannot remember what was stated as the contents. That seems to embarrass the examination. If the witness cannot remember, why, then, you should pass on to something else.

Mr. Hill—Well, Sir, I desire to offer the letter in evidence in connection with this testimony.

Mr. Beach—It is objected to.

Judge Nelson—It cannot be received.

Mr. Hill—[To the Transcript Stenographer.] Mark it for identification.

Mr. Evans—Your Honor will note our exception.

[Letter marked "Exhibit D, 111," for identification.]

Mr. Hill—Can you recollect what she said in regard to the contents of the second letter? A. She said something about her being as happy as a bird on that day.

Mr. Hill—[To Judge Nelson.] Inasmuch as this letter is now marked, I will accept of your Honor's ruling. [To the witness.] Now go on, Mr. O'Vington. A. I cannot recall the phraseology; simply that she was happy, and everything was going on merrily, and the letter closed by, "Bless the Lord, oh, my soul!" I remember that.

Q. Now, Mr. O'Vington, go on with the conversation which occurred there after the statement about the letters? A. He said: "Mr. Beecher never loved any other woman as he loves Elizabeth. Both as Beecher as he loves Elizabeth so why does he not treat her like a man? Why can't he come forward and help her? He is a coward and a poltroon. I would not treat a woman as he does. I would give her all a woman can get. Why does he let her sit in her cool room in the house to boarders?"

Q. Anything else, at that time, on my part? A. Nothing further. He continued to call Mr. Beecher a coward.

Q. What else did he say on any other topic? A. He then said: "Mrs. Tilton has only done the duty of a wife in coming forward and lying for me." He then said: "If I had committed the Nathan murder, and Mrs. Tilton was a witness of it, I do suppose she would testify to the truth." He said, "No, in fact," and appealed to my wife if she would not do the same thing.

Q. If she would not do what? A. If she would not testify—if she would testify to the truth if her husband was up for the Nathan murder, charged with the Nathan murder, and she a witness of it. My wife replied that she would not convict an innocent man—she would sacrifice her husband rather than an innocent man should suffer—some such reply as that.

Q. Well, go on anything further? A. I don't know that I can recall anything further.

Q. At that time, was anything said about the conversation being confidential? A. Yes, Sir; as he left he said: "This conversation is confidential, but you can repeat it all to Elizabeth."

Q. Speaking to your wife? A. Speaking to my wife, yes, Sir.

Q. When did you see Mr. Tilton after that? A. The second day, I think.

GEN. TRACY'S INTERVIEWS AT THE O'VINGTONS.

Mr. O'Vington, let me call your attention, or ask you if you saw Mr. Tilton within a day or two prior to the conversation which you now refer to upon the piazza, a conversation with Gen. Tracy was present? A. Yes, Sir.

Q. Well, please state what occurred then. Who was present at the conversation when Gen. Tracy and Mrs. Tilton was also present, and where did it take place? A. Judge Morse and myself, if that is the interview that you refer to.

Q. When was that, with reference to this last conversation which you have now given? A. The second day previous, I think.

Q. That would be on Wednesday, as near as you can locate it? A. Yes, Sir.

Q. Very well. Do you recollect the day, Mr. O'Vington, when Mrs. Tilton appeared before the Committee of Plymouth Church? A. On the 6th of June.

Q. On the 6th of June? A. On the 6th of July.

Q. That evening I was present.

Q. You were present when she was before the Committee, do you mean? A. Yes, Sir.

Q. Where were you during the afternoon of that day? A. I was in the house.

Q. Did you see Gen. Tracy that day? A. Yes, Sir.

Q. About what time did you see him? A. In the evening, about half past six, I should judge.

Q. Well, what did he do when he came to your house? A. He saw my wife and myself.

Q. Who else? A. No one, I think, when he first came to the house.

Q. Then he went away, you say? A. Yes, Sir.

Q. Did he call again? A. He then returned in a half hour, I should think.